

REMARKS:

In the foregoing amendments, editorial changes were made to applicant's claims 1, 2, and 6, and claims 13-16 were added to the application. These new claims define that at least one of the displayed indication marks is reduced in size and/or that the state change indication mark has an enlarged area, such as shown in Figs. 9A and 9B and the accompanying text in applicant's specification disclosure. Accordingly, claims 1-16 are in the application for consideration at this time.

The Office action set forth a restriction requirement between the following groups of invention:

- I. Claims 1-6 and 10-12 drawn to a display priority progress indicator, classified in class 345, subclass 772, and
- II. Claims 7-9 drawn to the enlarging/reducing of a display object, classified in class 345, subclass 800.

Applicant hereby elects the group I invention, including claims 1-6 and 10-12, with traverse. Since new claims 13-16 depend from claims 1 and 2, applicant respectfully submits that these claims should be examined together with the group I invention, claims 1-6 and 10-12. Therefore, applicant respectfully requests an examination on the merits for claims 1-6 and 10-16.

Applicant respectfully traverses the restriction requirement. The Official action stated that the inventions of group I and II are unrelated. The Official action explained that inventions are unrelated if it can be shown that they are

not disclosed as capable of use together and they have different modes of operation, different functions, or different effects, citing MPEP § 806.04 and MPEP § 808.01. The Official action stated that in the instant case the display priority of progress indicator have different modes of operation, different function, and different effect to the enlarging/reducing of display objects.

Applicant respectfully submits that the display priority of progress indicator and the enlarging/reducing of a display object that are set forth in the group I and II inventions, as characterized in the Official action, can be used together. Therefore, the burden set forth in the outstanding Office Action for establishing that the inventions are unrelated has not been met in the present factual situation and the restriction requirement should be withdrawn.

Figures 1A and 1B of the present application show a display screen for the working machine before and after the working machine makes a change (in its operation or functioning). Fig. 1A shows the display screen before a change is made within the working vehicle. Fig. 1B shows the display screen after the change. When a change in the state of the work vehicle occurs, a predetermined state indication mark, such as display segment 30 in Fig. 1A, is made unindicative, and in place thereof, caution marks 33 and 34, such as shown in figure 1B, are displayed. Figs. 1A and 1B show the use of display segments of equal size. However, instead of substituting the caution marks 33 and 34 shown in figure 1B and maintaining the other individual display segments (31, 41, 51, 61, and 71) at the same size, the size of one or more of

the indication marks can be reduced or enlarged. This is shown in figures 9A and 9B. Figure 9A shows the display screen before a change in the state of the work vehicle occurs. Figure 9B shows the display screen after the change. The change in the state of the working vehicle includes the occurrence of an abnormality in the functioning of the working vehicle or the depressing of a switch. When the change occurs, the display is switched from that shown in figure 9A to that shown in figure 9B. In particular, individual display segments in figure 9A, such as 91 and 93 are reduced in size in figure 9B, while segment 92 is increased in size in figure 9B. In addition, the display of segment 92 can correspond to vehicle conditions, such as a reload indication mark 98 and the actual load indication mark 99.

In addition, it is respectfully noted that new claims 12-16, which are directed to reducing and/or enlarging a portion of the display area depend from claims 1 and 2. This demonstrates that the group I and II inventions can work together.

The foregoing examples are typical of those in applicant's specification disclosure and demonstrate that the group I and II inventions can be used together. When a change occurs in an operating condition of the vehicle, the display is change so that a stated change indication mark is displayed in place of a previously display segment. In addition, the sizes of the displayed marks can be reduced or enlarged when the state of the working machine has changed. Accordingly, the inventions as set forth in the group I and II

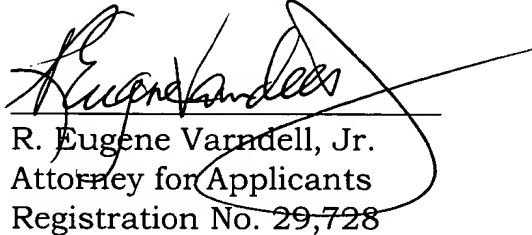
inventions, as characterized in the outstanding Office action, can be used together. Hence, the group I and II inventions are not unrelated inventions according to sections 806.04 and 808.01 of the MPEP. Accordingly, applicant respectfully submits that the restriction requirement between the group I and II inventions is improper. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the restriction requirement.

In the event the restriction requirement is not withdrawn, applicant hereby reserves the right to petition the examiner.

In light of the above, an examination on the merits and a formal allowance of claims 1-16 are respectfully requested. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,  
VARNDELL & VARNDELL, PLLC



R. Eugene Varndell, Jr.  
Attorney for Applicants  
Registration No. 29,728

Atty. Case No. VX012330  
106-A S. Columbus St.  
Alexandria, VA 22314  
(703) 683-9730

\\V:\VDOCS\W\_DOCS\JUNE04\PO-152-2330 RS.DOC